

#### Members

Sen. John Waterman, Chairperson  
Sen. David Ford  
Sen. William Alexa  
Sen. Anita Bowser  
Rep. Duane Cheney  
Rep. Vernon Smith  
Rep. Ralph Ayres  
Rep. Ralph Foley



## **CORRECTIONS MATTERS EVALUATION COMMITTEE**

#### LSA Staff:

Mark Goodpaster, Fiscal Analyst for the  
Committee  
Andrew Hedges, Attorney for the Committee

Authority: IC 2-5-21-10

**Legislative Services Agency  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Tel: (317) 233-0696 Fax: (317) 232-2554**

### **MEETING MINUTES<sup>1</sup>**

**Meeting Date:** October 30, 2001  
**Meeting Time:** 10:00 A.M.  
**Meeting Place:** State House, 200 W. Washington St.,  
Room 156 D  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 4

**Members Present:** Sen. John Waterman, Chairperson; Sen. Anita Bowser; Rep. Duane Cheney; Rep. Ralph Foley.

**Members Absent:** Sen. David Ford; Sen. William Alexa; Rep. Vernon Smith; Rep. Ralph Ayres.

Senator Waterman convened the meeting at 10:15 a.m. The Committee approved the minutes of the previous meeting with the following sentence added on page 2, paragraph 5. "However, they receive the same per diem as teachers in the school corporation."

Next, the Senator Waterman recognized Walter Smith to speak about his perspective on the criminal justice system. Mr. Smith told the members that he had been a Department of Correction (DOC) jail inspector for 25 years. He described two programs that DOC has discontinued.

The first program was the Regulated Community Assignment Program in which as many as 150 offenders were assigned. Offenders in this program were released between 60 and 180 days prior to their discharge from prison under the supervision of parole officers. This program could be considered a precursor to the Community Transition Program, under which offenders are released earlier than their discharge date and supervised by probation and community corrections officers in the community from which they reside.

The second program that Mr. Smith described was the work release program that was operated by the Department of Correction. Under this program, about 700 offenders were assigned to

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

centers across the state. This program was discontinued after Alan Metheny was released on a weekend furlough from prison and murdered his former wife in 1990. The eligibility criteria for being admitted into work release programs became too stringent for many offenders to qualify. Consequently, the Work Release Program was no longer a viable option to reduce the need for additional prison beds.

Next, Mr. Smith suggested that the Committee examine the need for increasing the amount of discretion that judges have when determining the sentence length of offenders. He indicated that the General Assembly should consider returning to indeterminate sentences so judges could have more discretion in sentencing.

Representative Foley indicated that it would be extremely difficult to return to indeterminate sentencing and that it is more likely that the General Assembly would add mitigating and aggravating factors for sentencing considerations.

Senator Waterman requested that the staff survey trial court judges about their attitudes concerning determinate and indeterminate sentencing.

### **Staff Report**

Mark Goodpaster reported on the number of offenders who were enrolled in education programs during October, 2001. (Exhibit A) The programs range from literacy to vocational to college courses. Of the 3,439 in the sample, Mr. Goodpaster estimated the age of these offenders at their earliest projected release date.

### **Offenders with HIV:**

The Department of Correction provided additional information on the status of offenders and state correctional employees with HIV. This information is included in Exhibit B.

The meeting was adjourned at 11:40 a.m.

# Exhibit A

**LEGISLATIVE SERVICES AGENCY**  
**Office of Fiscal and Management Analysis**  
200 W. Washington Street, Suite 302  
Indianapolis, Indiana 46204-2789  
(317) 233-0696  
(317) 232-2554 (FAX)

## MEMORANDUM

To: Senator Waterman

From: Mark Goodpaster

Re: Information on Offenders Participating in Education Programs in DOC Facilities

Date: October 30, 2001

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Based on your request, I compiled information from the Department of Correction on 3,439 offenders who participate in education programs offered by the Department of Correction. These programs range from general literacy classes to adult basic education classes to college classes.

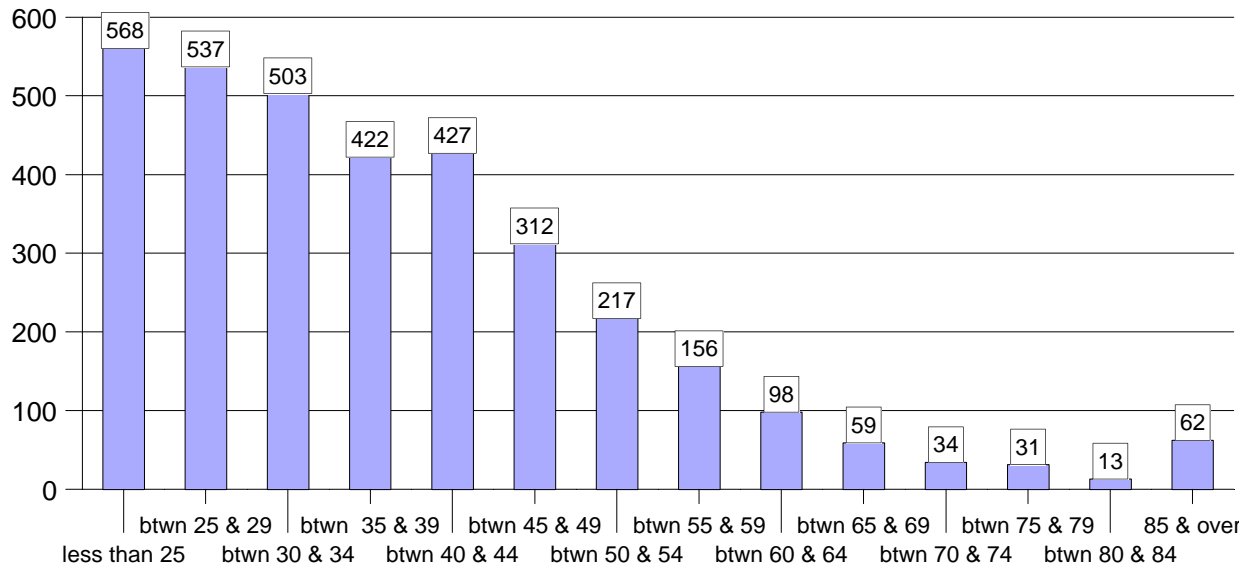
The following table shows the projected ages of these offenders at their earliest possible release dates.

<u>age group</u>	<u>number of offenders</u>	<u>percent</u>	<u>cumulative percent</u>
less than 25	568	16.5%	
between 25 and 29	537	15.6%	32%
between 30 and 34	503	14.6%	47%
between 35 and 39	422	12.3%	59%
between 40 and 44	427	12.4%	71%
between 45 and 49	312	9.1%	81%
between 50 and 54	217	6.3%	87%
between 55 and 59	156	4.5%	91%
between 60 and 64	98	2.8%	94%
between 65 and 69	59	1.7%	96%
between 70 and 74	34	1.0%	97%
between 75 and 79	31	0.9%	98%
between 80 and 84	13	0.4%	98%
85 and over	62	1.8%	100%
total offenders	3,439	100%	

**Memorandum**  
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The following chart shows this same information in a graphic form.

**Age at Earliest Possible Release Date of Offenders Participating in Educational Programs in DOC Correctional Facilities In October 2001**



## **Exhibit B**

### **PRISON HEALTH SERVICES HIV/AIDS CLINICAL TREATMENT PROCESS**

- PHS in Indiana follows the CDC's National recommendations and guidelines for the treatment and care of HIV positive and AIDS diagnosed patients.
- This consists of using HART treatment (Highly Active Anti Retroviral Therapy).
- PHS uses the triple drug therapy approach to treatment, a nationally accepted and current method of treatment.
- PHS also follows the standards published by the National Commission on Correctional Health Care and the American Correctional Association that relate to the care and treatment of HIV and AIDS.
- PHS follows the IDOC's Health Care Services Directive 2.11 titled "Human Immunodeficiency Virus and the Prison Setting".
- PHS has developed and implemented a program called "Secure Release" that secures a follow-up appointment with both an Infectious Disease Specialist and Social Worker in the community where previously identified HIV/AIDS patients will be released. This ensures continued treatment both physically and emotionally for the offender after their release. Additionally, PHS provides the offender 30 days worth of medications for their disease upon release versus the 7 days dictated by policy. The cost of the additional medication is paid solely by PHS and the IDOC incurs no additional cost for this service. This program is unique to the state of Indiana.
- PHS provides continuous in-service training to all physicians with the latest changes in treatment of HIV/AIDS. In the last year alone, PHS has provided 6 such in-services to the prison physicians.
- PHS had hosted 4 national experts in HIV/AIDS over the past year at different times to provide lectureship and in-services to the Indiana PHS physicians.
- PHS has a national expert within our company that has presented an in-service training session to our staff here in Indiana and is available for consultation anytime.

- PHS has 2 Infectious Disease Specialists on staff here in Indiana working in the prisons currently.
- PHS is in the process of implementing a new program here in the IDOC system that will allow our Infectious Disease Specialists to track and follow all HIV/AIDS patients in the state by laptop computer. This will allow them to monitor treatment to the patients regardless of where they are housed and to consult with the attending physician at the site where the patient is located. All currently diagnosed patients and newly diagnosed patients will be loaded into this data base and allow us better information regarding the scope and treatment of this special population.
- All HIV/AIDS patients are treated and seen by a physician in the sites chronic care clinic every 30 to 90 days depending upon their state of health. Treatment plans are developed to maintain optimal health and are specialized to their disease.
- PHS will be hosting a national HIV/AIDS Conference in Indiana this December for the Correctional Medical Institute (CMI). All the speakers at this conference, including the medical director of the CMI, are from the prestigious Johns Hopkins Medical Institute. All PHS physicians will be in attendance of this conference. Correctional physicians from all over the country will also be in attendance.
- Currently there are a total of 126 HIV/AIDS diagnosed patients in the IDOC system.
- In the year 2000, PHS spent over \$1,142,832 on the treatment of HIV/AIDS in Indiana on all diagnosed HIV patients. We expect this number to increase significantly for this year.
- No employee, either PHS or IDOC, has ever contacted HIV due to involuntary contact with an IDOC offender.

No employee has filed suit against the state of Indiana because of an HIV/AIDS infection.